

S/N: 10/086,139

Docket No. 1232-4826REMARKS

Reconsideration is respectfully requested in view of the foregoing amendments and the following remarks.

CLAIM STATUS

Claims 2, 4, 9-17 and 19-21 are pending and stand rejected. Of the pending claims, claims 2 and 9 are independent in form. By this Amendment, claims 2 and 9 are amended and new claim 22 is added. After entry of this amendment, only claim 2 is independent. No new matter has been added.

Rejections Under 35 U.S.C. § 103

Claims 2, 4, 9-17 and 19-21 have been rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Kishida et al. (USP 5,844,658; "Kishida") in view of Aizu et al. (USP 4,952,050; "Aizu"), both previously made of record.

Applicants respectfully traverse the rejection of independent claims 2 and 9, and all claims dependent thereon, for at least the following reasons.

The present invention provides an apparatus capable of observing both a measurement data and an eye fundus image when observing, and observing the eye fundus image preferentially when measuring. Furthermore, the apparatus has an effect of observing a part of the measurement data by overlapping or overlaying enlarged eye fundus image onto the measurement data.

For obtaining the above effect, the invention defined by claim 2 has as a characteristic feature the data display means for causing said display means to display a first image in which a measurement data and the eye fundus image are displayed together or a second image in which an enlarged eye fundus image is overlapped and displayed with a displayed

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measurement data, and control means for controlling the data display means to change the first image to the second image when the laser beam illumination means irradiates a laser beam.

The reference "Kishida et al." shows an auto tracking with respect to an eye blood flower meter and an eye fundus image displayed on display means is changed in accordance with the tracking. However, the reference fails to teach or suggest the data display means and the control means defined in the claim 2 of the present invention.

The reference "Aizu" shows an arrangement for restraining a position on which a measurement beams is irradiated. However, the reference also fails to teach or suggest the data display means and the control means defined in the claim 2 of the present invention.

Neither Kishida nor Aizu show or suggest at least the claimed feature that the eye fundus image displayed on display means is enlarged at the time of illuminating the laser beam.

#### Dependent Claims

Applicants traverse the rejections of the dependent claims but have not independently addressed the rejections of the dependent claims because Applicants submit that the dependent claims are also allowable for at least similar reasons as stated for the independent claim from which they all depend, claim 2. Applicants however, reserve the right to address any individual rejections of the dependent claims should such be necessary or appropriate.

Thus, Applicants respectfully submit that the invention as recited in independent claim 2 as amended, and the claims depending therefrom including new claim 22 which is dependent upon claim 2, are not taught or suggested by, and neither anticipated by nor rendered obvious in view of, and thus patentably distinct over, Kishida or Aizu, taken individually or in combination.

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Docket No. 1232-4826CONCLUSION

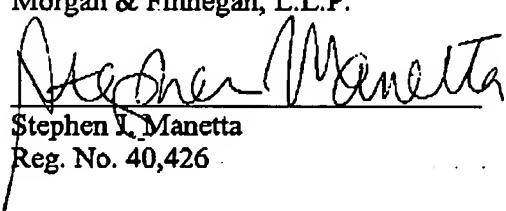
Accordingly, Applicants submit that the claims as herein presented are allowable over the prior art of record, taken alone or in combination, and that the respective rejections be withdrawn. Applicants further submit that the application is hereby placed in condition for allowance which action is respectfully requested.

Applicants believe no fee nor extension of time is required for this filing. However, should an extension of time be necessary to render this filing timely, such extension is hereby petitioned, and the Commissioner is hereby authorized to charge any additional fees that may be required for this paper, or credit any overpayment, to Deposit Account No. 13-4500, Order No. 1232-4826.

In the event that a telephone conference would facilitate prosecution, the Examiner is invited to contact the undersigned at the number provided.

Respectfully submitted,  
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By:



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